

Attorney Docket No.: RTSP-0155
Inventors: Monia and Cowser
Serial No.: 09/913,800
Filing Date: March 1, 2002
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REMARKS

Claims 1, 2, and 5-18 are pending in this application. Claims 1, 2, and 5-18 have been subjected to a Restriction Requirement under 35 U.S.C. §121 and 372. Claim 1 has been amended to correct informalities. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claims 1, 2, and 5-14, drawn to compositions comprising an 8 nucleobase portion of SEQ ID NOs:32 and 21, or modifications thereof; and

Group II, claims 15-18, drawn methods of inhibiting the expression of AKT-2 comprising administering a composition comprising an 8 nucleobase portion of SEQ ID NOs:32 and 21.

The Examiner suggests that the inventions listed as Groups I-II are independent and distinct from each other because they lack unity. Specifically, the Examiner suggests that because Draper et al. (U.S. Patent No. 5,972,704) teach an oligo comprising an 8 nucleobase portion of SEQ ID NO:21 targeted to AKT-2 (SEQ ID NO:206 of Draper et al.), that this reference teaches the instantly claimed special technical feature and thus the claims lack unity of invention because the claimed special technical feature is not considered a contribution over the prior art. Applicants are required to elect one of the Groups to be examined. Applicants respectfully disagree and traverse this restriction requirement.

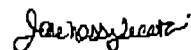
Applicants respectfully disagree. Draper et al. do not teach a contiguous 8 nucleobase portion of SEQ ID NO:21, rather only

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the first 7 nucleobases of SEQ ID NO:206 of Draper et al. are identical to a portion of SEQ ID NO:21 of the instant invention. Therefore, the antisense compounds of the present invention constitute a contribution over the prior art by imparting a special technical feature. The special technical feature can be considered to provide unity to the claims which are related as product and process of use. As such, a general search of the relevant prior art pertaining to a AKT-2 antisense compound would reveal art related to methods for using the same to inhibit expression of human AKT-2. Therefore, no additional burden would be incurred by the inclusion of both groups of claims in this application. Reconsideration and withdrawal of the restriction requirement is therefore respectfully requested.

However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group I, claims 1, 2, and 5-14, drawn to compositions comprising an 8 nucleobase portion of SEQ ID NOS:32 and 21, or modifications thereof, with traverse.

Respectfully submitted,



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Date: November 5, 2004

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